

REMARKS

Claims 1, 4-6 and 8 are pending in this application. By this Amendment, claim 1 is amended and claims 2, 3, 7 and 9-23 are canceled. Support for the amendments to the claims may be found, for example, in the original claims. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Interview

The courtesies extended to Applicants' representative by Examiners Gugliotta and Chaney at the interview held November 7, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

II. Affirmation of Election in Response to Election of Species Requirement

Applicants affirm their election of Group I, claims 1-8, with traverse. However, to expedite prosecution, non-elected claims 9-23 have been canceled.

III. Rejections Under 35 U.S.C. §102

A. Suwabe

The Office Action rejects claims 1-8 under 35 U.S.C. §102(a) over U.S. Patent Application Publication No. 2003/0165662 to Suwabe et al. (hereinafter "Suwabe"). By this Amendment claims 2, 3, and 7 are canceled, rendering their rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

Suwabe is not available as prior art against the instant claims. The present application claims priority benefit of JP 2002-323271, filed on November 7, 2002. Submitted herewith is, upon information and belief, an accurate translation of JP 2002-323271. As is evident from the translation of JP 2002-323271 attached hereto, the pending claims are fully

supported by JP 2002-323271. Accordingly, the pending claims are entitled to the benefit of the November 7, 2002 filing date of JP 2002-323271.

Suwabe has a U.S. filing date of December 2, 2002. As the earliest date on which Suwabe could be available as prior art under §102(e) is after the November 7, 2002 effective filing date of the present application, Suwabe is not available as prior art against the present application under either §102 or §103.

For the foregoing reasons, Suwabe is not available as prior art against the instant claims. Accordingly, withdrawal of the rejection is respectfully requested.

B. Ishihara

The Office Action rejects claims 1-6 and 8 under 35 U.S.C. §102(b) over EP 1251247 to Ishihara et al. (hereinafter "Ishihara"). By this Amendment claims 2 and 3 are canceled, rendering their rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

Without conceding the propriety of the rejection, claim 1 is amended to contain the subject matter of canceled claim 7, which was not rejected by the Office Action under 35 U.S.C. §102(b) over Ishihara. Claims 4-6 and 8 depend from claim 1 and, thus, also are not anticipated by Ishihara. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Ichikawa

The Office Action rejects claims 1-3 and 8 under 35 U.S.C. §102(b) over U.S. Patent No. 5,595,581 to Ichikawa et al. (hereinafter "Ichikawa"). By this Amendment claims 2 and 3 are canceled, rendering their rejection moot. As to the remaining claim, Applicants respectfully traverse the rejection.

Without conceding the propriety of the rejection, claim 1 is amended to contain the subject matter of canceled claim 7, which was not rejected by the Office Action under 35

U.S.C. §102(b) over Ichikawa. Claim 8 depends from claim 1 and, thus, also is not anticipated by Ichikawa. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

IV. Rejections Under 35 U.S.C. §103(a)

A. Hamanaka

The Office Action rejects claims 1, 5, 7 and 8 under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2003/00140608 to Hamanaka et al. (hereinafter "Hamanaka"), and rejects claims 2-4 and 6 under 35 U.S.C. §103(a) over Hamanaka in view of Suwabe. By this Amendment claim 7 is canceled, rendering its rejection moot. As to the remaining claims, Applicants respectfully traverse the rejections.

For the reasons stated above, Suwabe is not available as prior art against the instant claims. Accordingly, withdrawal of the rejection over Hamanaka and Suwabe is respectfully requested.

Without conceding the propriety of the rejection, claim 1 is amended to contain the subject matter of canceled claim 3, which was not rejected by the Office Action under 35 U.S.C. §103(a) over Hamanaka. Claims 5 and 8 depend from claim 1 and, thus, also would not have been rendered obvious by Hamanaka.

Moreover, the Office Action acknowledges that Hamanaka is silent regarding the porosity of the plugging material relative to the cell wall. Additionally, Hamanaka teaches that the filler material must be present with a slit that is only partially filled with filler to form a gap. Specifically, paragraph [0024] of Hamanaka indicates that the gap is necessary to prevent the generation of cracks even when non-uniform temperature distribution arises in various portions of the filter. Hamanaka does not teach that prevention of cracks may be accomplished with the filler substance alone.

Furthermore, it would not have been obvious to use silicon carbide as a plugging material because Hamanaka discloses that materials having a strength or Young's Modulus lower than the basal body of the honeycomb filter should be utilized. See Hamanaka, paragraph [0015], reproduced below for convenience (emphasis added).

Also in the present invention, the filler is preferably composed of a material having a strength and/or Young's modulus lower than those of the material of the basal body of the honeycomb filter and is preferably obtained by bonding at least a three-dimensionally interwoven inorganic fiber and inorganic particles with each other via an inorganic binder and/or an organic binder.

Materials having a high strength or Young's Modulus, like silicon carbide, are discouraged because when these materials are used as the plugging material, the end face of a honeycomb structure may be cracked. See specification at page 9, lines 20-27 and page 24, lines 25 to page 25, line 2.

Therefore, for at least the reasons discussed above, claim 1 would not have been rendered obvious by Hamanaka. Thus, claim 1 and its dependent claims are patentable. Accordingly, reconsideration and withdrawal of the rejection are earnestly solicited.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Petition for Extension of Time
Translation of JP 2002-323271

Date: November 28, 2008

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<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>

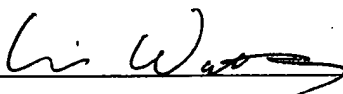
VERIFICATION

I, Kazuhira Watanabe

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do hereby verify that I am fully conversant with the Japanese and English languages and that attached translation signed by me is, to the best of my knowledge and belief, a true and correct English translation of the Japanese Patent Application No. 2002-323271.

DATED October 27, 2008

SIGNED 

PATENT OFFICE
JAPANESE GOVERNMENT

This is to certify that the annexed is a true copy of the
following application as filed with this office.

Date of Application: November 7, 2002

Application Number: 2002-323271

Applicant(s): NGK Insulators, Ltd.

Commissioner,
Japan Patent Office

[NAME OF DOCUMENT]	APPLICATION FOR PATENT		
[SERIAL NUMBER]	WP04161		
[FILING DATE]	November 7, 2002		
[ADDRESSEE]	Shinichiro Ohta		
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[TITLE OF THE INVENTION]	HONEYCOMB STRUCTURE		
[NUMBER OF CLAIMS]	23		
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